

REMARKS

Applicant respectfully requests the foregoing amendment to the specification as specified in the outstanding Notice. As noted in the Action:

if the reference to the prior application was previously submitted within the time period set forth in 37 CFR 1.78(a), but not in the first sentence(s) of the specification or an application data sheet (ADS) as required by 37 CFR 1.78(a) (e.g., if the reference was submitted in an oath or declaration or the application transmittal letter), and the information concerning the benefit claim was recognized by the Office as shown by its inclusion on the first filing receipt, the petition under 37 CFR 1.78(a) and the surcharge under 37 CFR 1.17(t) are not required. Applicant is still required to submit the reference in compliance with 37 CFR 1.78(a) by filing an amendment to the first sentence(s) of the specification or an ADS. See MPEP 201.11.

In the present case, a benefit claim was made in an application transmittal letter, filed with the application on December 22, 2000, and this benefit claim as included on the first filing receipt, which was mailed on January 26, 2001. The benefit claim also is listed in the continuity data on PAIR. Therefore, no petition or surcharge is deemed necessary.

If there are any problems with this response, or if the examiner believes that a telephone interview would advance the prosecution of the present application, Applicant's attorney would appreciate a telephone call.

Respectfully submitted,

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APRIL 9, 2007

DATE

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